## Before the Federal Communications Commission Washington, D.C. 2054

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Application to Modify License for Station WQAH337	)	
ALLEGHENY COUNTY SANITARY AUTHORITY	)	File No. 0004435804
In the Matter of	)	

Adopted: December 29, 2010 Released: December 30, 2010

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- 1. *Introduction*. We have before us an informal objection, filed by the Central Station Alarm Association (CSAA) on November 17, 2010, to the above-captioned application filed by Allegheny County Sanitary Authority (Allegheny) to modify its license for Industrial/Business Pool Station WQAH337, Allegheny County, Pennsylvania. CSAA also requests that we initiate a proceeding to modify or revoke Allegheny's license. For the reasons indicated below, we deny the objection.
- 2. Background. On June 1, 2004, Allegheny was granted a license to operate mobile units within eight kilometers of a center point in Pittsburgh, Pennsylvania, on frequency 460.950 MHz and one other frequency.<sup>2</sup> Frequency 460.950 MHz is subject to Section 90.35(c)(63) of the Commission's Rules, which provides that within the boundaries of urbanized areas of 200,000 or more population, eligibility is limited to persons rendering a central station commercial protection service.<sup>3</sup> On October 29, 2010, Allegheny filed the above-captioned application to modify its license for Station WQAH337 to add narrowband emission designators<sup>4</sup> to the authorized frequencies.<sup>5</sup>
- 3. On November 17, 2010, CSAA filed an informal objection to the modification application. It argues that Allegheny is not eligible to use frequency 460.950 MHz within the Pittsburgh urbanized area, because Allegheny does not render a central station commercial protection service. CSAA requests that the application not be granted with respect to frequency 460.950 MHz, which would preclude Allegheny's use of the frequency after December 31, 2012. In the alternative, CSAA suggests that Allegheny's license be revoked or modified to delete frequency 460.950 MHz. CSAA does not

<sup>&</sup>lt;sup>1</sup> See CSAA Informal Objection (filed Nov. 17, 2010) (Objection).

<sup>&</sup>lt;sup>2</sup> See FCC File No. 0001613399 (filed Feb. 11, 2004). Allegheny subsequently added three other frequencies. See FCC File No. 0001785155 (filed June 24, 2004).

<sup>&</sup>lt;sup>3</sup> See 47 C.F.R. § 90.35(c)(63). A central station commercial protection service is defined as "an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories' (UL), or Factory Mutual System." *Id.* 

<sup>&</sup>lt;sup>4</sup> Industrial/Business Pool licensees in the 150-174 MHz and 421-512 MHz bands must operate on 12.5 kHz (11.25 kHz occupied bandwidth) or narrower channels, or employ a technology that achieves the narrowband equivalent of one channel per 12.5 kilohertz of channel bandwidth (voice) or 4800 bits per second per 6.25 kilohertz (data) by January 1, 2013. *See* 47 C.F.R. § 90.209(b)(5).

<sup>&</sup>lt;sup>5</sup> The application also seeks to add frequencies, and to add a base station operating on frequencies other than 460.950 MHz.

<sup>&</sup>lt;sup>6</sup> See Objection at 3-4.

<sup>&</sup>lt;sup>7</sup> *Id.* at 4-5. *See* note 4. *supra*.

<sup>&</sup>lt;sup>8</sup> *Id*.

allege that Allegheny's operations have caused any actual interference to, or obstructed the licensing of, any central station commercial protection service.

- 4. *Discussion.* We agree with CSAA that Allegheny has not demonstrated eligibility for frequency 460.950 MHz, because Allegheny does not render a central station commercial protection service, and Station WQAH337 operates within the boundaries of the Pittsburgh urbanized area. Nonetheless, we deny CSAA's objection, and will process Allegheny's application.
- 5. As noted above, Allegheny has been licensed to operate low-power mobile units in a limited area on frequency 460.950 MHz since 2004. In a similar matter *i.e.*, where a third party requested deletion of a frequency years after the license was erroneously granted, and did not allege any actual interference we concluded that license modification was not appropriate. We reach the same conclusion in this matter. CSAA does not appear to have been aggrieved by Allegheny's operation of Station WQAH337 until Allegheny filed the above-captioned application to add narrowband emission designators. Under these circumstances, we conclude that license modification is not necessary at this time. Therefore, we will not revoke or modify Allegheny's license to delete frequency 460.950 MHz, and we will process its application to modify the license to add narrowband emission designators.
- 6. Accordingly, IT IS ORDERED that the informal objection filed by the Central Station Alarm Association on November 17, 2010, IS DENIED, and application FCC File No. 0004435804 SHALL BE PROCESSED consistent with this *Order* and the Commission's Rules.
- 7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

<sup>&</sup>lt;sup>9</sup> See National Science and Technology Network, Inc., *Order*, 24 FCC Rcd 9220, 9221 ¶ 4 (WTB MD 2009) ("While there is a strong public interest in upholding the Commission's rules and procedures, the fact that NSTN's application may have been improperly granted does not by itself require license modification under Section 316 [of the Communications Act of 1934, as amended]. The Commission has stated that '[l]icense modification pursuant to Section 316 should be undertaken only under those limited and unusual cases where, in the light of the circumstances, it is clear that such action will promote the public interest, convenience, and necessity,' and that the length of time between the grant of the license and the filing of the modification request 'is certainly a legitimate question for consideration as part of the public interest, convenience, and necessity inquiry.'") (quoting Pacific Gas and Electric Company, *Memorandum Opinion and Order*, 18 FCC Rcd 22761, 22767-68 ¶ 16 (2003); JPJ Electronic Communications, Inc., *Memorandum Opinion and Order*, 17 FCC Rcd 5512, 5515 ¶ 6 (2002)).

<sup>&</sup>lt;sup>10</sup> In the event that Allegheny's operations conflict with any present or future central station commercial protection service operations, CSAA may file a new request for license modification. *See* License Communications Services, Inc., *Order*, 24 FCC Rcd 3228, 3231 ¶¶ 8-9 (WTB MD 2009), *aff'd in pertinent part, Order on Reconsideration and Order Proposing Modification*, 25 FCC Rcd 3680, 3683 ¶ 9 (WTB MD 2010).